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ADOPTED 3/24/94

March 24, 1994

BOSTON REDEVELOPMENT AUTHORITY

THIRD AMENDMENT TO THE REPORT AND DECISION ON THE APPLICATION OF DUDLEY NEIGHBORS, INC. FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS ("MGL"), CHAPTER 121A, AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, AS AMENDED, TO BE UNDERTAKEN AND CARRIED OUT BY A CHARITABLE CORPORATION ORGANIZED PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 180, AS AMENDED, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT CORPORATION UNDER SAID CHAPTER 121A

A. Prior Proceedings. Reference is made to the following:

1. On November 10, 1988, the Boston Redevelopment Authority (the "Authority") voted to adopt a Report and Decision (the "Report and Decision") on a project known as the Dudley Neighbors, Inc. Project (the "Project"). Such vote was approved by the Mayor of the City of Boston (the "Mayor") on March 20, 1989 and the vote as approved was filed with the Clerk of the City of Boston (the "City Clerk") on March 24, 1989. The Project, as more particularly described in the Report and Decision, consists of the acquisition by eminent domain, and leasing for development of approximately fifteen (15) acres of privately held vacant land to be combined with approximately fifteen (15) acres of publicly owned vacant land located within the so-called Dudley Triangle located in the Roxbury and Dorchester neighborhoods of the City of Boston for the purpose of constructing approximately 370 to 500 units of low and moderate income housing and for commercial, community and open space development.

2. On October 10, 1989, a certain Regulatory Agreement was executed by and between Dudley Neighbors, Inc., a Massachusetts charitable corporation organized pursuant to Massachusetts General Laws ("MGL"), Chapter 180 and authorized to act as an Urban Redevelopment Corporation under MGL Chapter 121A, as amended ("Chapter 121A"), in the Report and Decision, and the Authority (the "Regulatory Agreement").

3. On January 29, 1990, a certain Memorandum of Understanding was executed by and between Dudley Neighbors, Inc., and the City of Boston's Public Facilities Department (the "MOU").

4. On April 30, 1990, a certain agreement under Chapter 121A, Section 6A, was executed by and between Dudley Neighbors, Inc., and the City of Boston (the "6A Contract").

5. On April 11, 1991, the Authority voted to adopt a First Amendment to the Report and Decision (the "First Amendment") on the Project. Such vote was approved by the Mayor on April 30, 1991 and the vote as approved was filed with the City Clerk on

May 3, 1991. The First Amendment approved certain changes to the Project and approved an extension for an additional three (3) years of the delegation of the power of eminent domain to Dudley Neighbors, Inc. under MGL Chapter 121A, Section 11, second paragraph, in order to implement the Project, all as more particularly described therein.

6. On August 19, 1992, the Authority voted to adopt a Second Amendment to the Report and Decision (the "Second Amendment") on the Project. Such vote was approved by the Mayor on September 1, 1992 and the vote as approved was filed with the City Clerk on September 9, 1992. The Second Amendment primarily approved certain zoning deviations for the so-called Winthrop Estates project.

Dudley Neighbors, Inc. shall hereinafter be referred to as both the "Applicant" and the "Corporation". The Report and Decision, as amended by the First and Second Amendments, shall hereinafter be referred to as the "Amended Report and Decision".

B. Application for Third Amendment. On March 23, 1994, the Applicant filed with the Authority a certain application to further amend the Amended Report and Decision (the "Third Amendment Application"). Approval was requested primarily for zoning deviations for the proposed 43 unit Stafford Heights Cooperative project. The Third Amendment Application is incorporated by reference as if fully set forth herein.

C. Authorize Action. In acting hereunder, the Authority has considered the Third Amendment Application itself, all documents and exhibits filed therewith or referred to therein, and all other information and material provided by the Applicant sufficient in the Authority's judgment to enable it to act hereunder.

D. Decision. The Authority hereby acts as follows:

1. Approval. The Third Amendment Application is hereby approved and the Amended Report and Decision is hereby further amended only to the extent specifically hereinafter set forth. If there is any inconsistency or conflict between the terms of the Third Amendment Application and this document (the "Third Amendment"), those of this Third Amendment shall govern.

2. General Findings and Determinations. The Authority hereby finds and determines that: (a) the proposed zoning deviations in the Third Amendment Application do not constitute collectively a "fundamental change" in accordance with the Acts of 1960, Chapter 652 ("Chapter 652"), Section 13, as amended; (b) except to the extent inconsistent with or contrary to the provisions of this Third Amendment, all of the findings, determinations, approvals and consents contained in the Amended Report and Decision are hereby ratified and conformed in all respects; (c) this Third Amendment conforms to and complies with the provisions of Chapter 121A, Chapter 652, and the Authority's "Rules and Regulations Governing Chapter 121A Projects in the

City of Boston", as amended; (d) any non-compliance by the Applicant with certain requirements set forth in the Amended Report and Decision or the Regulatory Agreement, specifically the requirement in the Second Amendment, Section D(4)(a), with regard to entering into an "Amendment to Regulatory Agreement" or an "Amended and Restated Regulatory Agreement" for the Winthrop Estates project and the obligation in the Regulatory Agreement, Section 16, to file Annual Reports with the Authority in respectively March of 1992 and 1993, are hereby waived; and (e) any procedural or other requirements of applicable statutes and rules and regulations which may not have been complied with in regard to the Third Amendment Application or the Authority's proceedings in connection therewith are hereby waived.

3. Zoning Code Deviations. Exhibit "D" to the Third Amendment Application lists certain proposed deviations from the Boston Zoning Code, as amended, for the Stafford Heights Cooperative component of the overall Project. For the reasons set forth in the Third Amendment Application, the Authority finds that the zoning deviations attached hereto in Exhibit "A" and incorporated as a part hereof by reference, are both minor in nature and are necessary for the carrying out of the Project and are therefore granted without substantially derogating from the intent and purposes of the Boston Zoning Code, as amended (the "Zoning Code"), and all other applicable laws, codes, ordinances and regulations respectively. Further, the Authority hereby confirms that the Stafford Heights Cooperative qualifies for treatment under Article 50, Section 50-27.2 of the Zoning Code.

4. Rules and Regulations. The Authority hereby imposes as rules and regulations on the Stafford Heights Cooperative component of the overall Project and requires the Corporation to: (a) enter into an Amendment to Regulatory Agreement or an Amended and Restated Regulatory Agreement (collectively, "Regulatory Agreement Amendments"), the terms and conditions of which shall be acceptable to the Authority's Director, if she determines in her sole discretion that the Regulatory Agreement Amendments are necessary to implement the Stafford Heights Cooperative; (b) submit to the Authority for its review and approval all plans and specifications for the Stafford Heights Cooperative and accept such revisions and modifications as the Authority's Director may in her sole discretion impose; and (c) except to the extent set forth in any Regulatory Agreement Amendments authorized by (a) above, the use of the Project, including but not limited to, the Stafford Heights Cooperative, for low and moderate income housing, shall not be changed or altered in any substantial or material respect without the prior approval of the Authority. The Authority's rules and regulations respectively set forth in the First Amendment, Section D(6), and the Second Amendment, Section D(4), shall not apply to the Stafford Heights Cooperative.

5. Amended Report and Decision. All provisions of the Amended Report and Decision not specifically amended or revised by, or inconsistent with, this Third Amendment shall remain in full force and effect.

E. Authorization to Execute Documents. The Authority's Director is hereby authorized to execute in the name of, and on behalf of, the Authority any Regulatory Agreement Amendments, referred to in Section D(4), clause (a) of this Third Amendment and any Estoppel Certificates or like instruments, to and for governmental bodies, lenders or other interested parties, at her discretion, that confirm matters covered by this Third Amendment.

F. Severability. In the event any provision of this Third Amendment shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof, or of the Amended Report and Decision.

Top Area bounded by Table 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 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2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 22

EXHIBIT "A"

Below are the sections of the Boston Zoning Code, as amended (the "Code"), from which permission to deviate was sought by the Applicant as part of the Application for the Third Amendment and that are hereby granted.

A. Specific Zoning Deviations. Approval is granted for the zoning deviations identified under "Building Conditions" with an asterisk as follows, "* denotes non-conformance".

SITE 1:

F.A.R. Allowable: 1
Building Total: 15,826 sq. ft.
Lot Area Required by Code: 8,400 sq. ft.
Site Total: 32,715 sq. ft.
F.A.R.: 0.48

Code Requirement

Zoning District: MFR (except as noted below)

6-8-10 Stafford Street (Townhouse Building) (a portion of the property is in a 3F-5000 Subdistrict)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5'	15'
Table F	Side Yard: 7'	10', 40'
	Rear Yard: 21'	28'
	Frontage: 30'/bldg.	92'
	Bldg. Height: 45' [4 st.]	43.58' [3 st.]
Table H	Off St. Parking: 2 spaces	3 spaces
Table I	Off St. Loading Area<15,000	5,178 sq. ft. - not req'd.

66 - 74 Blue Hill Ave. (Rowhouse Building)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5'	10'*
Table F	Side Yard: 7'	9'
	10.5' @ st. corner	8'*
	Rear Yard: 21'	58'
	Frontage: 30'/bldg.	115'
	Bldg. Height: 45' [4 st.]	23.92' [2 st.]
Table H	Off St. Parking: 4 spaces	5 spaces
Table I	Off St. Loading Area<15,000	5,470 sq. ft. - not req'd.

121-123-125 Moreland St. (Townhouse Building) (a portion of the property is in a RH Subdistrict)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5'	20'
Table F	Side Yard: 7'	10', 28'
	Rear Yard: 21'	28'
	Frontage: 30'/bldg.	80'
	Bldg. Height: 45' [4 st.]	42.5' [3 st.]
Table H	Off St. Parking: 2 spaces	3 spaces
Table I	Off St. Loading Area<15,000	5,178 sq. ft. - not req'd.

* denotes non-conformance.

SITE 2:

F.A.R. Allowable: 1

Building Total: 19,791 sq. ft.

Lot Area Required by Code: 18,000 sq. ft.

Site Total: 38,163 sq. ft.

F.A.R.: 0.51

Code Requirement

Zoning District: MFR

108-110-112 Moreland St. (Townhouse Building)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5'	13'
Table F	Side Yard: 7'	8', 18'
	Rear Yard: 21'	30'
	Frontage: 30'/bldg.	46'
	Bldg. Height: 45' [4 st.]	46.33' [3 st.]*
Table H	Off St. Parking: 2 spaces	3 spaces
Table I	Off St. Loading Area<15,000	5,178 sq. ft. - not req'd.

60 - 62 Blue Hill Ave. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	8'**
Table F	Side Yard: 5' to lot ln.	6', 7'
	agg. side yd. not<15'	13'*
	Rear Yard: 21'	22'
	Frontage: 40'	52'
	Bldg. Height: 35' [3 st.]	23.33' [2 st.]
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	2,188 sq. ft. - not req'd.

104 - 106 Moreland St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	92'
Table F	Side Yard: 5' to lot ln.	8', 7'
	agg. side yd. not<15'	15'
	Rear Yard: 21'	13'*
	Frontage: 40'	40'
	Bldg. Height: 35' [3 st.]	33.67' [3 st.]
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,058 sq. ft. - not req'd.

114 - 116 Moreland St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	92'
Table F	Side Yard: 5' to lot ln.	10', 45'
	agg. side yd. not<15'	55'
	Rear Yard: 21'	13'*
	Frontage: 40'	46'
	Bldg. Height: 35' [3 st.]	34.5' [3 st.]

* denotes non-conformance.

** denotes conformance due to conformity with existing building alignment (50-43.2).

114 - 116 Moreland St. (Cont'd.)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,058 sq. ft. - not req'd.

133 - 135 Winthrop St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	11'*
Table F	Side Yard: 5' to lot ln. agg. side yd. not<15	12', 10' 22'
	Rear Yard: 21'	42'
	Frontage: 40'	75'
	Bldg. Height: 35' [3 st.]	36.67' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,251 sq. ft. - not req'd.

145 - 147 Winthrop St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	14'
Table F	Side Yard: 5' to lot ln. agg. side yd. not< 15	11', 15' 26'
	Rear Yard: 21'	31' av.
	Frontage: 40'	86'
	Bldg. Height: 35' [3 st.]	38.75' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,058 sq. ft. - not req'd.

SITE 3:

F.A.R. Allowable: 1
Building Total: 15,289 sq. ft.
Lot Area Required by Code: 16,000 sq. ft.
Site Total: 23,508 sq. ft.
F.A.R.: 0.65

Code Requirement

Zoning District: MFR (except as noted below)

146 - 148 Winthrop St. (2 Family Semi-attached) (a portion of the property is in an RH Subdistrict)***

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	12'*
Table F	Side Yard: 5' to lot ln. agg. side yd. not<15	17', 15' 32'
	Rear Yard: 21'	11'* and ***
	Frontage: 40'	88'
	Bldg. Height: 35' [3 st.]	36.33' [3 st.]* and ***
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,058 sq. ft. - not req'd.

* denotes non-conformance.

*** denotes non-conformance with requirements of RH Subdisricts.

142 - 144 Winthrop St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Table F	Side Yard: 5' to lot ln.	20', 15'
	agg. side yd. not<15	35'
	Rear Yard: 21'	19.5' av.*
	Frontage: 40'	79'
	Bldg. Height: 35' [3 st.]	36.5' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,058 sq. ft. - not req'd.

34 through 44 Blue Hill Ave. (Rowhouse Building)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5	7'*
Table F	Side Yard: 8' min.; av.	7', 9'
	not<10.5'	10', 10.5'
	Rear Yard: 21'	23'
	Frontage: 30'/bldg.	165'
	Bldg. Height: 45' [4 st.]	22.83' [2 st.]
Table H	Off St. Parking: 4 spaces	6 spaces
Table I	Off St. Loading Area<15,000	7,523 sq. ft. - not req'd.

140 Winthrop St. (Tenant Co-op: community use)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	5'*
Table F	Side Yard: 7'	7', 7'
	Rear Yard: 14'	7'*
	Frontage: 40'	65'
	Bldg. Height: 45' [4 st.]	22.83' [1 st.]
Table H	Off St. Parking: 1 space	0 spaces*
Table I	Off St. Loading Area:<15,000	1,650 sq. ft. - not req'd.

SITE 4:

F.A.R. Allowable: 1

Building Total: 14,931 sq. ft.

Lot Area Required by Code: 12,000 sq. ft.

Site Total: 29,189 sq. ft.

F.A.R.: 0.65

Code Requirement

Zoning District: MFR

14 - 16 Huckins St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	17'
Table F	Side Yard: 5' to lot ln.	20', 18'
	agg. side yd. not<15	38'
	Rear Yard: 21'	49' av.
	Frontage: 40'	75'
	Bldg. Height: 35' [3 st.]	35.5' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area:<15,000	3,251 sq. ft. - not req'd.

* denotes non-conformance.

18 - 20 Huckins St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	15'
Table F	Side Yard: 5' to lot ln. agg. side yd. not<15	20.5', 17' 37.5'
	Rear Yard: 21'	31' av.
	Frontage: 40'	70'
	Bldg. Height: 35' [3 st.]	38' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area:<15,000	3,251 sq. ft. - not req'd.

22 - 24 Huckins St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	14'
Table F	Side Yard: 5' to lot ln. agg. side yd. not<15	20', 20' 40'
	Rear Yard: 21'	22.5' av.
	Frontage: 40'	75'
	Bldg. Height: 35' [3 st.]	37' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area:<15,000	3,251 sq. ft. - not req'd.

1-3-5 Lewis Place (Townhouse Building)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5	11'
Table F	Side Yard: 7'	25', 27'
	Rear Yard: 21'	18'*
	Frontage: 30'/bldg.	97'
	Bldg. Height: 45' [4 st.]	44.5' [3 st.]
Table H	Off St. Parking: 2 spaces	3 spaces
Table I	Off St. Loading Area:<15,000	5,178 sq. ft. - not req'd.

All of the buildings conform to the applicable requirements of the Code regarding minimum usable open space and rear yard occupancy by accessory buildings.

B. Other Zoning Deviations. Approval is granted for all other zoning deviations or "Building Conditions" that may be determined by the Inspectional Services Department of the City of Boston to be in non-conformance with the provisions of the Code.

* denotes non-conformance.

D N I

Dudley Neighbors Incorporated

MAR 23 4 36 PM '94

513 Dudley Street
Roxbury, MA 02119
Phone: (617) 442-9670
Fax: (617) 427-8047

March 23, 1994

Mr. Joseph F. Fisher, Executive Director
Boston Redevelopment Authority
One City Hall Square, Ninth Floor
Boston, MA 02201

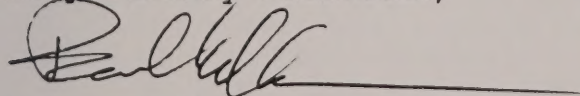
**Re: Dudley Neighbors Inc. Chapter 121A Project; Application for
Third Amendment to Report and Decision as Previously Amended.**

Dear Mr. Fisher:

Enclosed for filing please find two (2) originals and thirteen (13) copies of the above-captioned Application of Dudley Neighbors Inc., ("the Applicant") to the Boston Redevelopment Authority to amend its existing authorization and approval of the Dudley Triangle Project (the "Project") pursuant to Massachusetts General Laws, Chapter 121A and the Acts of 1960, Chapter 652, for minor zoning deviations for the proposed Stafford Heights Cooperative component of the Project. Each copy of the Application has an attachment indicating the requested zoning deviations and additional information showing the nature and extent of the project.

Pursuant to Section 1.D.2 of the Boston Redevelopment Authority's Rules and Regulations Governing Chapter 121A Projects in the City of Boston, the Applicant is requesting that the filing fee required under Section 1.D.1 be waived. The Applicant is a non-profit corporation whose sole income is derived from grants and foundations. While the Applicant has received funding commitments from both public and private sources to carry out the Project, such funds are not available to the Applicant at this time. Accordingly, the Applicant would experience undue hardship if required to pay a \$4,200 filing fee in connection with this application.

Respectfully Submitted,



Paul Yelder
Executive Director

Enclosures

Dudley Neighbors, Inc. (the "Applicant") hereby applies to the Boston Redevelopment Authority (the "Authority") pursuant to the provisions of Massachusetts General Laws, Chapter 121A, as amended ("Chapter 121A"), the provisions of the Acts of 1980, Chapter 552, as amended ("Chapter 552") and any rules and regulations of the Authority that may be applicable hereto, for the approval of this Application for a Third Amendment to the Report and Decision (the "Third Amendment Application") and the granting of "zoning deviations" for the Stafford Heights Cooperative, as hereinafter described, in accordance with Chapter 552, Section 17, which paragraph, which provides in relevant part with emphasis added as follows:

"In the construction and use of a project, such [Designated Chapter 121A entity] shall not deviate from any zoning law, code, ordinance or regulation in effect in Boston, provided however, that notwithstanding the provisions of any such law, code, ordinance or regulation, the Authority (the "RA") with the approval of the Mayor of Boston shall have exclusive power, both before and after approval of a project, to grant or refuse to give permission for the project to deviate from such law, code, ordinance or regulation, and such permission shall be granted without regard to the provisions of any such law, code, ordinance or regulation."

DUDLEY NEIGHBORS, INC. CHAPTER 121A PROJECT

**APPLICATION FOR THIRD AMENDMENT TO REPORT AND DECISION
AS PREVIOUSLY AMENDED**

Following is background information concerning the "zoning deviations" requested by this Application:

1. Stafford Heights Cooperative Background Information. The Applicant is proceeding with the second zoning development, a limited equity cooperative housing project, Stafford Heights Cooperative. This project will consist of approximately 40 new units of cooperative housing located on approximately 40 separate parcels, to be located in a larger site, on Stafford, Northway, W. Main, and Lewis Streets, and on Sign Hill Avenue in Roxbury with a total project site of approximately 124,000 square feet. Stafford Heights Cooperative Development Corporation ("HDC") will be the sponsor and the development will be undertaken by and through a limited partnership, namely the Stafford Heights Limited Partnership ("Stafford Heights LP"). The Managing General Partner of the Stafford Heights LP will be Stafford Heights, Inc., a subsidiary of HDC. The total development cost is approximately \$7,950,000. Permanent financing sources include equity from the syndication of low-income housing tax credits and mortgage financing in equal amounts through a "Linkage" loan from the City of Boston's Housing Trust and a HUD/BLM loan from the City's Public Facilities Department. Construction financing will be provided by the Massachusetts Housing Investment Corp.

For additional information concerning the Stafford Heights Cooperative, refer to the following Exhibits to this Application:

Exhibit "A": Project Description
Exhibit "B": Financing Breakdown
Exhibit "C": List of Properties

Dudley Neighbors, Inc. (the "Applicant") hereby applies to the Boston Redevelopment Authority (the "Authority") pursuant to the provisions of Massachusetts General Laws, Chapter 121A, as amended ("Chapter 121A"), the provisions of the Acts of 1960, Chapter 652, as amended ("Chapter 652") and any rules and regulations of the Authority that may be applicable hereto, for the approval of this Application for a Third Amendment to the Report and Decision (the "Third Amendment Application") and the granting of "zoning deviations" for the Stafford Heights Cooperative, as hereinafter described, in accordance with Chapter 652, Section 13, ninth paragraph, which provides in relevant part with emphasis added as follows:

"In the construction and use of a project, such [designated Chapter 121A entity] shall not deviate from any zoning...law, code, ordinance or regulation in effect in Boston; provided however, that notwithstanding the provisions of any such law, code, ordinance or regulation, the authority [the BRA] with the approval of the mayor of Boston shall have exclusive power, both before and after approval of a project, to grant from time to time permission for the project to deviate from such law, code, ordinance or regulations if it finds that such permission may be granted without substantially derogating from the intent and purposes of such law, code, ordinance or regulation...".

Following is background information concerning the "zoning deviations" requested by this Application:

1. Stafford Heights Cooperative; Background Information. The Applicant is proceeding with its second housing development, a limited equity cooperative known as the Stafford Heights Cooperative. This project consists of approximately 42 new units of cooperative housing to be developed on approximately 40 separate parcels, to be consolidated into 4 larger sites, on Stafford, Moreland, Winthrop and Huckins Streets, Lewis Place and Blue Hill Avenue in Roxbury with a total project site of approximately 124,800 square feet. Nuestra Comunidad Development Corporation ("NCDC") will be the sponsor and the development will be undertaken by and through a limited partnership, namely the Stafford Heights Limited Partnership ("Stafford Heights LP"). The Managing General Partner of the Stafford Heights LP will be Stafford Heights, Inc., a subsidiary of NCDC. The total development cost is approximately \$7,060,000. Permanent financing sources include equity from the syndication of low-income housing tax credits and mortgage financing in equal amounts through a "linkage" loan from the City's Neighborhood Housing Trust and a HOME/LEND loan from the City's Public Facilities Department. Construction financing will be provided by the Massachusetts Housing Investment Corp.

For additional information concerning the Stafford Heights Cooperative, refer to the following Exhibits to this Application.

<u>Exhibit "A":</u>	<u>Project Description</u>
<u>Exhibit "B":</u>	<u>Financing Breakdown</u>
<u>Exhibit "C":</u>	<u>List of Properties</u>

2. "Zoning Deviations" Requested. The Applicant requests that the Authority grant in accordance with Chapter 652, Section 13, ninth paragraph, as amended, those "zoning deviations" set forth in Exhibit in Exhibit "D": Zoning Deviations to the Application. The Applicant represents that these "zoning deviations" are minor in nature and are necessary for the timely commencement of construction of the Stafford Heights Cooperative.

3. Notices: Communication. All notices or other communications from the Authority or its staff concerning this Application shall be forwarded to the Applicant as follows:

Dudley Neighbors, Inc.
313 Dudley Street
Roxbury, MA 02119
ATTN: Paul Yelder, Executive Director
Telecopier No. 427-8047

with a copy to:

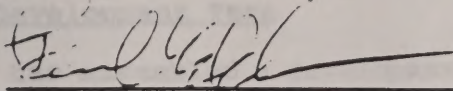
Goulston & Storrs
400 Atlantic Avenue
Boston, MA 02110-3333
ATTN: David W. Price, Esq.
Telecopier No. 574-4112

4. Supplementary Materials. The Applicant agrees that upon the request of and notice from the Authority staff, the Applicant will then provide such additional information in connection with the Application as may be reasonably requested. Such information may be considered "Supplementary Material" to be incorporated as part of this Application.

Executed on March 23, 1994.

Dudley Neighbors, Inc.

By:



Paul Yelder, Executive Director

Stafford Heights Cooperative Project DescriptionProject Description1. Introduction

Nuestra Comunidad Development Corporation (NCDC) is one of five Community Development Corporations participating in the Boston Coop Initiative, along with the Public Facilities Department and the Metropolitan Boston Housing Partnership.

Nuestra Comunidad Development Corporation will develop 42 new units of cooperative housing on vacant land near the corners of Dudley Street and Blue Hill Avenues. This project will address two important neighborhood issues. First, the project will address the over-abundance of vacant and abandoned land that contributes to the image of the neighborhood as a distressed area. And second, the combination of resources being brought to the project by Nuestra Comunidad, PFD, and MBHP will make this new housing available for low income families.

As a Limited Equity Cooperative, this project will offer residents the opportunity to participate in the collective ownership of their homes, and, in particular, will allow them to participate actively in the decision making and management of the Cooperative. In addition, the form of ownership will assure the long term affordability of the development.

Architectural plans for Stafford Heights have been completed, and the project is currently out to bid. Land will be leased through a ground lease from Dudley Neighborhood Inc., a subsidiary of Dudley Street Neighborhood Initiative.

2. Development Team

NCDC has assembled a development team with extensive experience in the development of low and moderate income housing. The team is as follows:

Developer:	Nuestra Comunidad Development Corp.
Architect:	Domenech, Hicks and Krockmalnic
Development Consultant:	Winn Development
Management Agent:	Winn Management

3. The Site

The development site consists of 40 parcels on Stafford, Moreland, Winthrop, Huckins, and Lewis Streets and Blue Hill Avenue in Roxbury, with a total area of approximately 120,000 square feet.

4. Site Control

The land that makes up the site will be leased to the owner,* Stafford Heights Limited Partnership by Dudley Neighbors, Inc, (DNI) a subsidiary of Dudley Street Neighborhood Initiative. The term of the Ground Lease will be for 99 years.**

The City has acquired 6 parcels*** which will be assigned to DNI at execution of the construction period ground lease. DNI is in the process of acquiring 2 additional parcels. All remaining parcels are currently owned by DNI.

5. Development Program

Nuestra CDC will build a total of 43 new units of housing in 16 separate buildings. The units will be configured as follows: two three-bedroom townhouses, eleven two-bedroom townhouses, four semi-detached three-family houses, and nine semi-detached two-family houses. In addition, the development will include a community building. The semi-detached houses will allow each unit to have its own off-street parking, and entrance, as well as a yard shared by the units of that building. This design scheme best accommodates the scattered nature of the sites, and the existing neighborhood context.

6. Occupancy/Affordability

The project will be a syndicated cooperative, which, from the beginning, will give the residents a significant amount of control over the management of their housing, and ultimately give them ownership of the property as a limited equity cooperative.

Stafford Heights is located in Boston's poorest neighborhood, the average family income is well below 50% of area median income. Nuestra CDC intends to make all units available to low income families.

The affordability mix is as follows:

	# of units	% of total project
Section 8 Certificates	3	7%
Unsubsidized Very Low Income (below 50 % Median Income)	28	67%
Unsubsidized Low Income (50% - 60 % Median Income)	11	26%

* of the improvements

** The initial term of the Ground Lease will be approximately 1.8 years with provisions for an amendment and restatement for a term of 99 years.

*** and Stafford Heights Limited Partnership has acquired 19 parcels

Stafford Heights Cooperative Financing BreakdownFINANCING BREAKDOWN

TOTAL DEVELOPMENT COST \$7,058,830

EQUITY

Low Income Housing Tax Credits \$4,334,950
 Syndicator - Massachusetts Housing Investment Corp.
 20% Paid at Initial Closing, 80% Paid at Final Closing

LOANS

LINKAGE LOAN \$1,227,538

City of Boston, Neighborhood Housing Trust
 Interest = Up to 10%
 Term = Up to 30 years
 Security Position = second
 Payable to the extent that such payment does
 not impact the affordability of the development.

HOME/LEND LOAN \$1,272,462

City of Boston, PFD
 Interest = Up to 10%
 Term = Up to 30 Years
 Security Position = third
 Payable to the extent that such payment does
 not impact the affordability of the development.

METROPOLITAN BOSTON HOUSING PARTNERSHIP LOAN \$156,880

Interest rate = 8.25%
 Term = 25 years
 Security Position = fourth
 Payable to the extent of available cash flow.

DUDLEY NEIGHBORS, INC. LOAN \$67,000

Interest = 7.88%
 Term = 30 years
 Security Position = fifth
 Payable upon default of the terms set forth
 as part of the note (e.g. maintaining affordability)

Total Equity Plus Permanent Loans \$7,058,830

CONSTRUCTION/BRIDGE LOAN

MASSACHUSETTS HOUSING INVESTMENT CORP. \$3,100,000

Interest = 8%
 Term = 16 Months
 Security Position = first
 Paid from syndication proceeds at final closing.

Stafford Heights Cooperative List of Properties

LIST OF PROPERTIES

ADDRESS	PARCEL NUMBER	SQUARE FOOTAGE
LOT #1		
65, 68 Blue Hill Ave	02969, 02970	4832
70 Blue Hill Ave	02968	3500
72 Blue Hill Ave	02967	3537
6 Stafford St	02960	3900
8, 10 Stafford St	02958, 02959	7800
119-123 Moreland St	02972	3700
125 Moreland St	02973	3422
LOT #2		
58R Blue Hill Ave	02912	6860
60-62 Blue Hill Ave	02910	4179
104-110 Moreland St	02908	3858
112 Moreland St	02907	2444
114 Moreland St	02906	5000
116 Moreland St	02905	4998
135-137 Winthrop St	02918	5415
141 Winthrop St	02917	3241
143 Winthrop St	02916	2950
147 Winthrop St	02919	2836
149 Winthrop St	02920	2671
LOT #3		
40x Blue Hill Ave	02887	5392
40 Blue Hill Ave	02886	2351
44 Blue Hill Ave	02885	3897
136 Winthrop St	02884	2800
140 Winthrop St	02883	2858
144 Winthrop St	02882	2579
148 Winthrop St	02881	1476
LOT #4		
12-14 Huckins	02840	9261
16 Huckins	02839	4859
20 Huckins	02838	3664
24 Huckins	02837	2872
1 Lewis Place	02863	3589
3 Lewis Place	02864	4261

TOTAL SQ. FT. 124812

Stafford Heights Cooperative Zoning DeviationsSITE 1:

F.A.R. Allowable: 1
 Building Total: 15,826 sq. ft.
 Lot Area Required by Code: 8,400 sq. ft.
 Site Total: 32,715 sq. ft.
 F.A.R.: 0.48

Code Requirement

Zoning District: MFR (except as noted below)

6-8-10 Stafford Street (Townhouse Building) (a portion of the property is in a 3F-5000 Subdistrict)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5'	15'
Table F	Side Yard: 7'	10', 40'
	Rear Yard: 21'	28'
	Frontage: 30'/bldg.	92'
	Bldg. Height: 45' [4 st.]	43.58' [3 st.]
Table H	Off St. Parking: 2 spaces	3 spaces
Table I	Off St. Loading Area < 15,000	5,178 sq. ft. - not req'd.

66 - 74 Blue Hill Ave. (Rowhouse Building)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5'	10'*
Table F	Side Yard: 7'	9'
	10.5' @ st. corner	8'*
	Rear Yard: 21'	58'
	Frontage: 30'/bldg.	115'
	Bldg. Height: 45' [4 st.]	23.92' [2 st.]
Table H	Off St. Parking: 4 spaces	5 spaces
Table I	Off St. Loading Area < 15,000	5,470 sq. ft. - not req'd.

121-123-125 Moreland St. (Townhouse Building) (a portion of the property is in a RH Subdistrict)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5'	20'
Table F	Side Yard: 7'	10', 28'
	Rear Yard: 21'	28'
	Frontage: 30'/bldg.	80'
	Bldg. Height: 45' [4 st.]	42.5' [3 st.]
Table H	Off St. Parking: 2 spaces	3 spaces
Table I	Off St. Loading Area < 15,000	5,178 sq. ft. - not req'd.

SITE 2:

F.A.R. Allowable: 1
 Building Total: 19,791 sq. ft.
 Lot Area Required by Code: 18,000 sq. ft.
 Site Total: 38,163 sq. ft.
 F.A.R.: 0.51

* denotes non-conformance.

Code Requirement

Zoning District: MFR

108-110-112 Moreland St. (Townhouse Building)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5'	13'
Table F	Side Yard: 7'	8', 18'
	Rear Yard: 21'	30'
	Frontage: 30'/bldg.	46'
	Bldg. Height: 45' [4 st.]	46.33' [3 st.]*
Table H	Off St. Parking: 2 spaces	3 spaces
Table I	Off St. Loading Area<15,000	5,178 sq. ft. - not req'd.

60 - 62 Blue Hill Ave. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	8'**
Table F	Side Yard: 5' to lot ln.	6', 7
	agg. side yd. not<15'	13'*
	Rear Yard: 21'	22'
	Frontage: 40'	52'
	Bldg. Height: 35' [3 st.]	23.33' [2 st.]
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	2,188 sq. ft. - not req'd.

104 - 106 Moreland St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	92'
Table F	Side Yard: 5' to lot ln.	8', 7
	agg. side yd. not<15	15'
	Rear Yard: 21'	13'*
	Frontage: 40'	40'
	Bldg. Height: 35' [3 st.]	33.67' [3 st.]
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,058 sq. ft. - not req'd.

114 - 116 Moreland St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	92'
Table F	Side Yard: 5' to lot ln.	10', 45'
	agg. side yd. not<15	55'
	Rear Yard: 21'	13'*
	Frontage: 40'	46'
	Bldg. Height: 35' [3 st.]	34.5' [3 st.]
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,058 sq. ft. - not req'd.

133 - 135 Winthrop St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	11'*
Table F	Side Yard: 5' to lot ln.	12', 10'

* denotes non-conformance.

** denotes conformance due to conformity with existing building alignment (50-43.2).

133 - 135 Winthrop St. (Cont'd.)

	<u>Code Requirements</u>	<u>Building Conditions</u>
	agg. side yd. not<15	22'
	Rear Yard: 21'	42'
	Frontage: 40'	75'
	Bldg. Height: 35' [3 st.]	36.67' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,251 sq. ft. - not req'd.

145 - 147 Winthrop St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	14'
Table F	Side Yard: 5' to lot ln.	11', 15'
	agg. side yd. not< 15	26'
	Rear Yard: 21'	31' av.
	Frontage: 40'	86'
	Bldg. Height: 35' [3 st.]	38.75' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,058 sq. ft. - not req'd.

SITE 3:

F.A.R. Allowable: 1

Building Total: 15,289 sq. ft.

Lot Area Required by Code: 16,000 sq. ft.

Site Total: 23,508 sq. ft.

F.A.R.: 0.65

Code Requirement

Zoning District: MFR (except as noted below)

146 - 148 Winthrop St. (2 Family Semi-attached) (a portion of the property is in an RH Subdistrict)***

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	12'*
Table F	Side Yard: 5' to lot ln.	17', 15'
	agg. side yd. not<15	32'
	Rear Yard: 21'	11'* and ***
	Frontage: 40'	88'
	Bldg. Height: 35' [3 st.]	36.33' [3 st.]* and ***
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,058 sq. ft. - not req'd.

142 - 144 Winthrop St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	7'*
Table F	Side Yard: 5' to lot ln.	20', 15'
	agg. side yd. not<15	35'
	Rear Yard: 21'	19.5' av.*
	Frontage: 40'	79'
	Bldg. Height: 35' [3 st.]	36.5' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area<15,000	3,058 sq. ft. - not req'd.

* denotes non-conformance.

*** denotes non-conformance with requirements of RH Subdistrict.

34 through 44 Blue Hill Ave. (Rowhouse Building)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5	7'*
Table F	Side Yard: 8' min.; av. not<10.5'	7', 9' 10', 10.5'
	Rear Yard: 21'	23'
	Frontage: 30'/bldg.	165'
	Bldg. Height: 45' [4 st.]	22.83' [2 st.]
Table H	Off St. Parking: 4 spaces	6 spaces
Table I	Off St. Loading Area<15,000	7,523 sq. ft. - not req'd.

140 Winthrop St. (Tenant Co-op: community use)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	5'*
Table F	Side Yard: 7'	7', 7'
	Rear Yard: 14'	7'*
	Frontage: 40'	65'
	Bldg. Height: 45' [4 st.]	22.83' [1 st.]
Table H	Off St. Parking: 1 space	0 spaces*
Table I	Off St. Loading Area:<15,000	1,650 sq. ft. - not req'd.

SITE 4:

F.A.R. Allowable: 1

Building Total: 14,931 sq. ft.

Lot Area Required by Code: 12,000 sq. ft.

Site Total: 29,189 sq. ft.

F.A.R.: 0.65

Code Requirement

Zoning District: MFR

14 - 16 Huckins St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	17'
Table F	Side Yard: 5' to lot ln. agg. side yd. not<15	20', 18' 38'
	Rear Yard: 21'	49' av.
	Frontage: 40'	75'
	Bldg. Height: 35' [3 st.]	35.5' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area:<15,000	3,251 sq. ft. - not req'd.

18 - 20 Huckins St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	15'
Table F	Side Yard: 5' to lot ln. agg. side yd. not<15	20.5', 17' 37.5'
	Rear Yard: 21'	31' av.
	Frontage: 40'	70'
	Bldg. Height: 35' [3 st.]	38' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area:<15,000	3,251 sq. ft. - not req'd.

* denotes non-conformance.

22 - 24 Huckins St. (2 Family Semi-attached)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 14'	14'
Table F	Side Yard: 5' to lot ln. agg. side yd. not<15	20', 20' 40'
	Rear Yard: 21'	22.5' av.
	Frontage: 40'	75'
	Bldg. Height: 35' [3 st.]	37' [3 st.]*
Table H	Off St. Parking: 1 space	2 spaces
Table I	Off St. Loading Area:<15,000	3,251 sq. ft. - not req'd.

1-3-5 Lewis Place (Townhouse Building)

	<u>Code Requirements</u>	<u>Building Conditions</u>
Art. 50:	Front Yard: 10.5	11'
Table F	Side Yard: 7'	25', 27'
	Rear Yard: 21'	18'*
	Frontage: 30'/bldg.	97'
	Bldg. Height: 45' [4 st.]	44.5' [3 st.]
Table H	Off St. Parking: 2 spaces	3 spaces
Table I	Off St. Loading Area:<15,000	5,178 sq. ft. - not req'd.

All of the buildings conform to the applicable requirements of the Boston Zoning Code regarding minimum usable open space and rear yard occupancy by accessory buildings.

Approval is requested for those items identified under "Building Conditions" with an asterisk as follows, "* denotes non-conformance". In addition, approval is requested for all other non-conformance items that may be determined by the Inspectional Services Department of the City of Boston in the future. For purposes of this Application, the term "non-conformance items" means those building conditions not in full compliance with the requirements of the Boston Zoning Code, as amended.

* denotes non-conformance.